

4467
1 BILL NO. Z-79-05-07

2 ZONING MAP ORDINANCE NO. Z-23-79

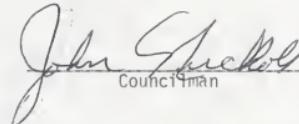
3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. P-2.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby designated
8 a M2 District under the terms of Chapter 33, Municipal Code of the
9 City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne
10 Zoning Map No. P-2, referred to therein, established by Section 33-11, of
11 said Chapter are hereby changed accordingly, to wit:

12 Lots No. 38, 39, 40, and 41 in Whites Second Addition
13 to the City of Fort Wayne, Indiana.

14 SECTION 2. That this Ordinance shall be in full force and effect
15 from and after its passage, approval by the Mayor and legal publication
16 thereof.

17 
John Shuckel
18 Councilman

19 APPROVED AS TO
20 FORM & LEGALITY

21 
22 William N. Salin, City Attorney

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..Read the first time in full and on motion by Nuckles, seconded by Salvino, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock M., E.S.T.

DATE: 5-22-79

Charles W. Waterman Jr.

CITY CLERK

Read the third time in full and on motion by Nuckles, seconded by Stier, and duly adopted, placed on its passage.

PASSED (lost) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-MIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>NOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 5-25-79.

Charles W. Waterman Jr.

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE
(RESOLUTION) No. 3-23-79 on the 25th day of September, 1979.
ATTEST: (SEAL)

Charles W. Waterman Jr.
CITY CLERK

Winfield C. May Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Waterman Jr.
CITY CLERK

Approved and signed by me this 28th day of September, 1979,
at the hour of 4:30 o'clock P.M., E.S.T.

Robert Ellington
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1979 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-05-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 18, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 25, 1979.

Certified and signed this
17th day of September 1979.

Thomas G. Adams

Thomas G. Adams
Secretary

Bill No. Z-79-05-07

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. P-2

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

WILSON S. SCOBY

TANIGA, S., OMURA

WILLIAM T. HINGA

John Nuckol
Daniel J. Fallico
Vivian G. Schmidt
John D. Moore

9-25-74. CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

RECEIPT Date 5-1 1979 No. 10763

Received From Bethel et al
Address Ind Bank
For Twenty-five days beginning R-3 to M-2
(four days Metal Protection Co.)

ACCOUNT	HOW PAID		
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	<input checked="" type="checkbox"/>
BALANCE DUE		MONEY ORDER	

By Patt B

1863

RECEIPT

Date 5-1 1979

No. 10764

Received From Wayne Metal Protection Co.

Address 1511 Watson

Twenty-five ~~00~~ Dollars \$25.00For beginning R-3 to M-2
for Wayne Metal Protection Co.

ACCOUNT	HOW PAID		
AMT. OF ACCOUNT	CASH	CHECK	MONEY ORDER
AMT. PAID	<input checked="" type="checkbox"/>		
BALANCE DUE			By <i>Pat B.</i>

CHANGE FROM R2 TO M2

Z-79-05-07

MAP NO. P2

N
↑

CHANGE FROM R2 TO M2

MAP NO. P2



PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. _____

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use Manufacturing

I/We Wayne Metal Protection Company, 1511 Wabash, Fort Wayne, Indiana
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R-2 district to a/an M-2 district the property described as follows:

Lots No. 38, 39, 40 and 41 in Whites Second Addition to the

City of Fort Wayne, Indiana, ~~together with the alley to the~~~~south of Lot 41, which alley is currently being vacated~~

(Legal Description)

Wayne Metal Protection Company, 1511 Wabash, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Wayne Metal Protection
Co., Inc.

1511 Wabash

Fort Wayne, Indiana

(Name)

(Address)

*Daniel P. Clemens*Daniel P. Clemens,
President

(Signature)

Legal Description Checked By:

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Thomas D. Logan, Attorney
(Name)Mezzanine Floor
Indiana Bank Building
(Address)
Fort Wayne, Indiana

(219) 422-9454

(Telephone Number)

CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE, INDIANA, 46802
Telephone Number: 423-7571

RESTRICTIVE COVENANTS

WAYNE METAL PROTECTION COMPANY, INC., an Indiana corporation of Allen County, Indiana, whose address is 1511 Wabash Avenue, Fort Wayne, Indiana 46803, being the owner of the following described real estate situated in Allen County, Indiana, to-wit:

Lots No. 38, 39, 40 and 41 in Whites Second Addition to the City of Fort Wayne, Indiana, together with the alley to the south of Lot 41, which alley is currently being vacated.

In consideration of permission granted by the Common Council of the City of Fort Wayne with the approval of the Mayor to amend the zoning map for the City of Fort Wayne, Indiana, by reclassifying the above described property from an R-3 district to an M-2 district, the undersigned hereby agrees that it shall buffer the residential property to the west by means of a six foot landscape or other decorative screen.

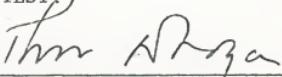
We will complete said work within six months after building permits are granted for the erection of an industrial use on the real estate located to the east of the property proposed to be buffered.

This agreement may be enforced by the City of Fort Wayne by injunction or otherwise.

IN WITNESS WHEREOF, Wayne Metal Protection Company, Inc. has caused its corporate name and seal to be affixed by its duly authorized officers the 30th day of July, 1979.

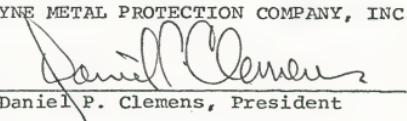
WAYNE METAL PROTECTION COMPANY, INC.

ATTEST,



Thomas D. Logan, Secretary

BY



Daniel P. Clemens, President

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, on the 30th day of July, 1979, personally

appeared Daniel P. Clemens and Thomas D. Logan, to me known personally to be the President and the Secretary of Wayne Metal Protection Company, Inc., and acknowledged the execution of the foregoing instrument on behalf of said corporation, as the voluntary act and deed of said corporation for the uses and purposes therein set forth, and said officers, having been duly sworn, depose and say that no Indiana Gross Income Tax is due as a result of the aforesaid Restrictive Covenant.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.


My Commission Expires:
October 18, 1980

Cheryl C. Harber
Cheryl C. Harber, Notary Public
Residing in Allen County, Indiana

4467

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-79-05-07

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Lots No. 38, 39, 40 & 41 in Whites Second Addition
to the City of Fort Wayne, Indiana.

EFFECT OF PASSAGE Property is now zoned R2 District - Two Family
Residential. Property will become M2 District - General
Industrial.

EFFECT OF NON-PASSAGE Property will remain R2 District - Two Family
Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) /

(ASSIGN TO COMMITTEE (J.N.) /



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -- room 122

October 2, 1979

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 4, and October 11, 1979, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. Z-79-05-07
Zoning Map Ordinance No. Z-23-79

Bill No. G-79-07-28
General Ordinance No. G-20-79

Bill No. G-79-07-29
General Ordinance No. G-21-79

Please send us 11 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENC:l

LEGAL NOTICE

Notice is hereby given that on the 25th day of September, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-05-07 -- Zoning Map Ordinance No. Z-23-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-2.

Notice is hereby given that on the 25th day of September, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-79-07-28 -- General Ordinance No. G-20-79, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement in Crestwood Colony.

Notice is hereby given that on the 25th day of September, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-79-07-29 -- General Ordinance No. G-21-79, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley north of Main Street.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-79-05-07 -- Zoning Map Ordinance No. Z-23-79, Bill No. G-79-07-28 -- General Ordinance No. G-20-79 and Bill No. G-79-07-29 -- General Ordinance No. G-21-79 were passed by the Common Council on the 25th day of September, 1979, and said Ordinances were duly signed and approved by the Mayor on the 28th day of September, 1979, and now remains on file and on record in my office.

Copies of said Bill No. Z-79-05-07 -- Zoning Map Ordinance No. Z-23-79, Bill No. G-79-07-28 -- General Ordinance No. G-20-79 and Bill No. G-79-07-29 -- General Ordinance No. G-21-79 will be posted in the following places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East Door of the Allen County Court House

Copies of said Bill No. Z-79-05-07 -- Zoning Map Ordinance No. Z-23-79, Bill No. G-79-07-28 -- General Ordinance No. G-20-79 and Bill No. G-79-07-29 -- General Ordinance No. G-21-79 will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinance in the designated places as stated above on October 4, 1979.

Charles W. Westerman
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To **JOURNAL-GAZETTE** Dr.**FORT WAYNE, INDIANA****PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

83

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To..... **JOURNAL-GAZETTE**Dr.**FORT WAYNE, INDIANA****PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines _____

Head number of lines _____

Body number of lines _____

Tail number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

85 1	columns wide equals	85equivalent lines at .25¢	\$ 22.02
cents per line					

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) _____

TOTAL AMOUNT OF CLAIM. _____

\$ 26.52**DATA FOR COMPUTING COST**Width of single column 9.9 cms Size of type **5 1/2** pointNumber of insertions **2** Size of quad upon which type is cast **5 1/2**

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Arvilla DeWald*Date **Oct. 11 1979**Title **CLERK****PUBLISHER'S AFFIDAVIT**

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned..... **ARVILLA DEWALD**..... who, being duly sworn, saysthat she is..... **CLERK**..... of the

JOURNAL-GAZETTE

a..... newspaper of general circulation printed and published in the English language in the city of..... **FORT WAYNE, INDIANA**..... townin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for..... **two times**....., the dates of publication being as follows:**10/4 - 10/11/79**

Subscribed and sworn to before me this

11 th day of **October** **1979**

Notary Public

My commission expires..... **September 26, 1983**

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To **NEWS-SENTINEL** Dr.**FORT WAYNE, INDIANA**

LINE COUNT .

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

83

Body number of lines

2

Tail number of lines

85

Total number of lines in notice

COMPUTATION OF CHARGES

85	lines, 1	columns wide equals	85	equivalent lines at .2594	\$ 22.02
		cents per line			

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

4.50**26.52**

\$

Notice is hereby given that on the 25th day of September, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-05-07 — Zoning Map Ordinance No. Z-23-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map.

Notice is hereby given that on the 25th day of September, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-27-07-26 — General Ordinance No. G-26-79, being AN ORDINANCE amending General Ordinance No. 6-79 by authorizing the vacation of a certain utility easement in Crestwood Colony.

Pursuant to Notice is hereby given that on the 25th day of September, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-27-07-29 — General Ordinance No. G-27-79, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley north of Main Street.

I, Charles W. Westerman, Clerk of the Common Council of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-79-05-07 — Zoning Map Ordinance No. Z-23-79, Bill No. G-27-07-26 — General Ordinance No. G-26-79 and Bill No. G-27-07-29 — General Ordinance No. G-27-79 were passed by the Common Council on the 25th day of September, 1979, and said Ordinances were duly signed and approved by the Mayor on the 28th day of September, 1979, and are now on file and an record in my office.

Copies of said Bill No. Z-79-05-07 — Zoning Map Ordinance No. Z-23-79, Bill No. G-27-07-26 — General Ordinance No. G-26-79 and Bill No. G-27-07-29 — General Ordinance No. G-27-79 will be posted in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor lobby of the City-County Building.
- (2) The bulletin board in the lobby of the downtown Fort Wayne Public Library.
- (3) The bulletin board in the lobby at the East Door of the Allen County Court House.

Copies of said Bill No. Z-79-05-07 — Zoning Map Ordinance No. Z-23-79, Bill No. G-27-07-26 — General Ordinance No. G-26-79 and Bill No. G-27-07-29 — General Ordinance No. G-27-79 will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor lobby in the north end of the main floor in said downtown Public Library.
- (2) The Journal and Courier, the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.
- (3) The main floor lobby in the north end of the main floor in said downtown Public Library.

(2) The bulletin board in the lobby of the downtown Fort Wayne Public Library.

(3) The bulletin board in the lobby at the East Door of the Allen County Court House.

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CHARLES W. WESTERMAN
City Clerk

I here further certify that the amount claimed is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date _____

Size of type **5 1/2** pointSize of quad upon which type is cast **5 1/2**

of Ch. 89., Acts 1967.

I further certify that the amount claimed is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V.E. Gerken

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned.....

V. E. GERKEN

..... who, being duly sworn, says

that she is.....

CLERK

..... of the

NEWS-SENTINEL

DAILY

a newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA**in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows:**10/4 - 10/11/79**

Subscribed and sworn to before me this _____ day of _____

11 th**October****19**

My commission expires _____

September 28, 1983

Notary Public

103

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To..... **NEWS-SENTINEL**

Dr.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM**

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

83

Body number of lines

2

Tail number of lines

Total number of lines in notice

85

COMPUTATION OF CHARGES

85 lines,	1 columns wide equals	85 equivalent lines at2594	\$ 22.02
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cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

4.50**26.52**

TOTAL AMOUNT OF CLAIM.

\$

DATA FOR COMPUTING COST

Width of single column 9.9 cms

Size of type **5 1/2** point

Number of insertions

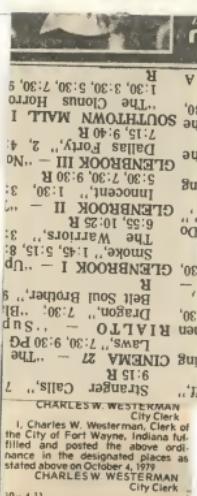
Size of quad upon which type is cast **5 1/2**

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date **Oct. 11 79**

Title CLERK

V.E. Gerken**PUBLISHER'S AFFIDAVIT**

State of Indiana

ALLEN County Ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned..... **V. E. GERKEN**..... who, being duly sworn, says that she is..... **CLERK**..... of the**NEWS-SENTINEL**a..... **DAILY**..... newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA**..... town in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows:**10/4 - 10/11/79**

Subscribed and sworn to before me this

11 th

day of

*V.E. Gerken***October 19 79**

My commission expires

September 28, 1963

Notary Public



CHARLES W. WESTERMAN
City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted all the ordinances in the designated places as stated above on October 4, 1979
CHARLES W. WESTERMAN
City Clerk
10-4-11